

Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations and amending Directive 2004/35/EC (Text with EEA relevance)

CHAPTER I

INTRODUCTORY PROVISIONS

*Article 2*

**Definitions**

For the purpose of this Directive:

- (1) ‘major accident’ means, in relation to an installation or connected infrastructure:
- (a) an incident involving an explosion, fire, loss of well control, or release of oil, gas or dangerous substances involving, or with a significant potential to cause, fatalities or serious personal injury;
  - (b) an incident leading to serious damage to the installation or connected infrastructure involving, or with a significant potential to cause, fatalities or serious personal injury;
  - (c) any other incident leading to fatalities or serious injury to five or more persons who are on the offshore installation where the source of danger occurs or who are engaged in an offshore oil and gas operation in connection with the installation or connected infrastructure; or
  - (d) any major environmental incident resulting from incidents referred to in points (a), (b) and (c).

For the purposes of determining whether an incident constitutes a major accident under points (a), (b) or (d), an installation that is normally unattended shall be treated as if it were attended;

- (2) ‘offshore’ means situated in the territorial sea, the Exclusive Economic Zone or the continental shelf of a Member State within the meaning of the United Nations Convention on the Law of the Sea;
- (3) ‘offshore oil and gas operations’ means all activities associated with an installation or connected infrastructure, including design, planning, construction, operation and decommissioning thereof, relating to exploration and production of oil or gas, but excluding conveyance of oil and gas from one coast to another;
- (4) ‘risk’ means the combination of the probability of an event and the consequences of that event;
- (5) ‘operator’ means the entity appointed by the licensee or licensing authority to conduct offshore oil and gas operations, including planning and executing a well operation or managing and controlling the functions of a production installation;

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- (6) ‘suitable’ means right or fully appropriate, including consideration of proportionate effort and cost, for a given requirement or situation, based on objective evidence and demonstrated by an analysis, comparison with appropriate standards or other solutions used in comparable situations by other authorities or industry;
- (7) ‘entity’ means any natural or legal person or any group of such persons;
- (8) ‘acceptable’, in relation to a risk, means a level of risk for which the time, cost or effort of further reducing it would be grossly disproportionate to the benefits of such reduction. In assessing whether the time, cost or effort would be grossly disproportionate to the benefits of further reducing the risk, regard shall be had to best practice risk levels compatible with the undertaking;
- (9) ‘licence’ means an authorisation for offshore oil and gas operations pursuant to Directive 94/22/EC;
- (10) ‘licensed area’ means the geographical area covered by the licence;
- (11) ‘licensee’ means the holder or joint holders of a licence;
- (12) ‘contractor’ means any entity contracted by the operator or owner to perform specific tasks on behalf of the operator or owner;
- (13) ‘licensing authority’ means the public authority which is responsible for granting authorisations or for monitoring the use of authorisations as provided for in Directive 94/22/EC;
- (14) ‘competent authority’ means the public authority, appointed pursuant to this Directive and responsible for the duties assigned to it in this Directive. The competent authority may be comprised of one or more public bodies;
- (15) ‘exploration’ means drilling into a prospect and all related offshore oil and gas operations necessary prior to production-related operations;
- (16) ‘production’ means offshore extraction of oil and gas from the underground strata of the licensed area including offshore processing of oil and gas and its conveyance through connected infrastructure;
- (17) ‘non-production installation’ means an installation other than an installation used for production of oil and gas;
- (18) ‘the public’ means one or more entities and, in accordance with national legislation or practice, their associations, organisations or groups;
- (19) ‘installation’ means a stationary, fixed or mobile facility, or a combination of facilities permanently inter-connected by bridges or other structures, used for offshore oil and gas operations or in connection with such operations. Installations include mobile offshore drilling units only when they are stationed in offshore waters for drilling, production or other activities associated with offshore oil and gas operations;
- (20) ‘production installation’ means an installation used for production;
- (21) ‘connected infrastructure’ means, within the safety zone or within a nearby zone of a greater distance from the installation at the discretion of the Member State:
  - (a) any well and associated structures, supplementary units and devices connected to the installation;

- (b) any apparatus or works on or fixed to the main structure of the installation;
  - (c) any attached pipeline apparatus or works;
- (22) ‘acceptance’, in relation to the report on major hazards, means the communication in writing by the competent authority to the operator or the owner that the report, if implemented as set out therein, meets the requirements of this Directive. Acceptance does not imply any transfer of responsibility for control of major hazards to the competent authority;
- (23) ‘major hazard’ means a situation with the potential to result in a major accident;
- (24) ‘well operation’ means any operation concerning a well that could result in the accidental release of materials that has the potential to lead to a major accident, including the drilling of a well, the repair or modification of a well, the suspension of well operations and the permanent abandonment of a well;
- (25) ‘combined operation’ means an operation carried out from an installation with another installation or installations for purposes related to the other installation(s) which thereby materially affects the risks to the safety of persons or the protection of the environment on any or all of the installations;
- (26) ‘safety zone’ means the area within a distance of 500 metres from any part of the installation, established by the Member State;
- (27) ‘owner’ means an entity legally entitled to control the operation of a non-production installation;
- (28) ‘internal emergency response plan’ means a plan prepared by the operator or owner pursuant to the requirements of this Directive concerning the measures to prevent escalation or limit the consequences of a major accident relating to offshore oil and gas operations;
- (29) ‘independent verification’ means an assessment and confirmation of the validity of particular written statements by an entity or an organisational part of the operator or the owner that is not under the control of or influenced by, the entity or the organisational part using those statements;
- (30) ‘material change’ means:
- (a) in the case of a report on major hazards, a change to the basis on which the original report was accepted including, inter alia, physical modifications, availability of new knowledge or technology and operational management changes;
  - (b) in the case of a notification of well operations or combined operations, a change to the basis on which the original notification was submitted including, inter alia, physical modifications, replacement of one installation with another, availability of new knowledge or technology and operational management changes;
- (31) ‘commencement of operations’ means the point in time when the installation or connected infrastructure is involved for the first time in the operations for which it is designed;
- (32) ‘oil spill response effectiveness’ means the effectiveness of spill response systems in responding to an oil spill, on the basis of an analysis of the frequency, duration, and

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timing of environmental conditions that would preclude a response. The assessment of oil spill response effectiveness is to be expressed as a percentage of time that such conditions are not present and is to include a description of the operating limitations placed on the installations concerned as a result of that assessment;

- (33) ‘safety and environmental critical elements’ means parts of an installation, including computer programmes, the purpose of which is to prevent or limit the consequences of a major accident, or the failure of which could cause or contribute substantially to a major accident;
- (34) ‘tripartite consultation’ means a formal arrangement to enable dialogue and cooperation between the competent authority, operators and owners, and workers’ representatives;
- (35) ‘industry’ means entities that are directly involved in offshore oil and gas operations covered by this Directive or whose activities are closely related to those operations;
- (36) ‘external emergency response plan’ means a local, national or regional strategy to prevent escalation or limit the consequences of a major accident relating to offshore oil and gas operations using all resources available to the operator as described in the relevant internal emergency response plan, and any supplementary resources made available by the Member States;
- (37) ‘major environmental incident’ means an incident which results, or is likely to result, in significant adverse effects on the environment in accordance with Directive 2004/35/EC.